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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOSE BUENROSTRO, SR., et al.,

CASE NO. 009-00786 JSW

Plaintiffs,

vs.

**APPLICATION FOR ORDER TO SHOW  
CAUSE WHY CONTEMPT CITATION  
SHOULD NOT ISSUE AGAINST MARIA  
PEDROZA FOR FAILING TO ATTEND  
DEPOSITION**

CITY OF OAKLAND, et al. ,

Defendants.

**INTRODUCTION**

Pursuant to Rule 45(e) of the Federal Rules of Civil Procedure, Plaintiffs JOSE BUENROSTRO, SR. and MARIA BUENROSTRO apply to this Court for an Order to Show Cause why MARIA **RICARDO PEDROZA** should not be held in contempt of court for his failure to comply with a subpoena commanding them to attend deposition.

**MEMORANDUM OF POINTS & AUTHORITIES**

The instant action arises from the shooting death of Jose Buenrostro, Jr., aged fifteen years, by three Oakland police officers on March 19, 2008. Plaintiffs are informed and believe that Maria Pedroza is a witness to the shooting and they have diligently sought to depose her. Plaintiffs first noticed Ms. Pedroza's deposition for February 16, 2010 and served her with a subpoena on February

10, 2010. See Exhibit One, subpoena and Exhibit Two, proof of service, attached. Ms. Pedroza did not appear for deposition. Pursuant to Rule 45(e) of the Federal Rules of Civil Procedure, Plaintiffs now apply to this Court for an Order to Show Cause why a contempt citation should not be issued against Maria Pedroza for her failure to attend deposition.

**DECLARATION OF STEVEN R. YOURKE**

1. I am an attorney duly licensed to practice before this court and I represent the plaintiffs JOSE BUENROSTRO, SR. and MARIA BUENROSTRO in this action.
2. I caused Maria Pedroza to be served with subpoena for deposition on February 10, 2010. A true and correct copy of such subpoena is attached hereto as Exhibit One. A true and correct copy of the proof of service is attached hereto as Exhibit Two.
3. Maria Pedroza did not appear for the deposition.

I swear that the foregoing is true under penalty of perjury.

Dated: March 4, 2010

LAW OFFICE OF JOHH BURRIS

/s/

\_\_\_\_\_  
Steven R. Yourke, Esq.

**PROPOSED ORDER**

IT IS HEREBY ORDERED THAT Maria Pedroza shall appear in Department 11 of this Court on \_\_\_\_\_, 2010 at \_\_\_\_\_ to show cause why she should not be held in contempt of court for his willful failure to appear for her deposition on February 16, 2010 at 11:00 a.m. pursuant to the subpoenas compelling his attendance that were served on her on February 16, 2010.

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2 IT IS FURTHER ORDERED THAT: Maria Pedroza shall appear for her deposition in this  
3 case on \_\_\_\_\_, 2010 at \_\_\_\_\_ a.m./p.m. at the Law Office of John Burris,  
4 7677 Oakport St., Suite 1120, Oakland, California where she shall answer all questions put to him at  
5 the time of the deposition relevant to the subject matter of this litigation or reasonably calculated to  
6 lead to the discovery of relevant evidence unless said questions would call for information  
7 legitimately protected by the attorney-client privilege or other legitimate privilege.  
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9 IT IS FURTHER ORDERED THAT : If Maria Pedroza fails to attend such deposition or fails  
10 to answer questions at the deposition without legal justification, **she shall be held in contempt of**  
11 **this Order and may be subjected to criminal sanctions, including but not limited to,**  
12 **incarceration in jail, monetary sanctions, or other sanctions deemed appropriate by this court.**  
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15 Dated: \_\_\_\_\_, 2010  
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Jeffrey S. White  
JUDGE OF THE DISTRICT COURT  
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